

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC., AOL LLC, MICROSOFT  
CORPORATION, YAHOO! INC.,  
IAC SEARCH & MEDIA, INC., and  
A9.COM, INC.,

Defendants.

Case No. 2:07-cv-432 (LED)

**JURY TRIAL DEMANDED**

**Joint Motion for Extension of Deadlines**

Plaintiff Performance Pricing, Inc. and Defendants Google Inc. and AOL LLC respectfully file this Joint Motion seeking the extension of the summary judgment motion briefing schedule as follows:

- Regarding Defendants' Motions for Summary Judgment, filed November 18, 2009, Plaintiff's Oppositions would be due December 21, 2009, and Defendants' Replies would be due January 11, 2010.
- Regarding Plaintiff's Motions for Summary Judgment, filed November 23, 2009, Defendants' Oppositions would be due December 28, 2009, and Plaintiff's Replies would be due January 18, 2010.

The parties also request that the current deadline (January 12, 2010) for the Joint Pretrial Order, Joint Proposed Jury Instructions, Form of the Verdict, Proposed Finding of Fact and Conclusions of Law, and the Notice of Request for Daily Transcript or Real Time Reporting of the Court, be extended to January 22, 2010.

This extension would give the parties time to complete the necessary briefing.

WHEREFORE, Plaintiff Performance Pricing, Inc. and Defendants Google Inc., AOL LLC respectfully request that this Court extend the deadlines as outlined above.

Dated: December 11, 2009

Respectfully submitted,

By: /s/ Richard E. Lyon

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**ATTORNEYS FOR PLAINTIFF  
PERFORMANCE PRICING, INC.**

DATED: December 8, 2009

/s/ Jamie Lisagor

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**ATTORNEYS FOR DEFENDANTS  
GOOGLE INC. and AOL LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 11<sup>th</sup> day of December, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Richard E. Lyon  
Richard E. Lyon